



Public Health Professionals Gateway

Public Health Law News

July 2020



Public Health Law Program
Center for State, Tribal, Local, and Territorial Support
Centers for Disease Control and Prevention

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COVID-19 Tools and Information

Public Attitudes Toward COVID-19 Guidance


According to a *Morbidity and Mortality Weekly Report (MMWR)*, surveys of adults in New York City, Los Angeles, and across the United States conducted in early May found widespread support of **stay-at-home orders** and nonessential business closures and a high degree of adherence to COVID-19 mitigation guidelines. [View the report.](#)


Announcements

Webinar: Protecting Voter Health and Participation in 2020 Elections


The Network for Public Health Law is hosting a webinar about what states should consider to ensure that constituents can safely and securely vote in the 2020 election cycle. Participants will discuss the **challenges and solutions** to the voting process in the midst of the COVID-19 pandemic, including legal barriers to turnout, election protections, and lessening public health risks. They will also identify key policy interventions to protect the right to vote. The webinar will take place **today, July 16, at 1:00–2:30 PM (EDT)**. [Here's how to register.](#) 

Submit Your Ideas: MENTAL Health Innovation Challenge to Combat Loneliness & Social Isolation

The US Department of Health and Human Services (HHS) recently [announced](#)  the **Mobilizing and Empowering Nation and Technology to Address Loneliness & social isolation (MENTAL) Health Innovation Challenge**, asking care partners, local communities, businesses, nonprofits, institutions, healthcare providers, technologists, academics, and others for their ideas to combat loneliness and social isolation in vulnerable populations. Awards will recognize innovative ideas for developing an easy-to-use software platform that increases access, awareness, and use of social engagement


technologies to curtail the impact of loneliness and social isolation—only made worse by the COVID-19 pandemic. HHS is offering up to **\$750,000** in prizes and an opportunity to reach up to 10 million Americans. [Learn more about the challenge and how to submit your ideas.](#) 

New Guidebook on Equitable Enforcement to Achieve Health Equity

Public health policies have catalyzed major health improvements for people living in the United States. But without enforcement, these policies are less likely to produce their intended effects. **Equitable enforcement** is a process of ensuring compliance with law and policy that considers and minimizes harms to people affected by health inequities. ChangeLab Solutions published a new guidebook about equity-informed enforcement of public health policies in underserved communities. [Read the guidebook](#)  .



Tribal Announcements

Job Openings: COVID-19 Corps Positions in Indian Country

The CDC Foundation is recruiting to fill critical jobs related to the COVID-19 response across Indian Country. Open positions include epidemiologists, infection preventionists, informaticians, data analysts, laboratorians, community support specialists, community health program managers, project managers, and more. [View all open COVID-19 Corps openings in Indian Country](#)  .

Legal Tools

Federal Disaster Assistance for Hurricanes During the COVID-19 Pandemic

This comprehensive report provides answers to frequently asked questions about emergency and major disaster declarations under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, including **legal authorities** and information related to the declaration request process. [Read the report](#)  [PDF – 1.5MB]  .

The Fifty Nifty

Alabama: [Funds to provide tests for 265,000 Alabama college students](#)

The Associated Press (06/29/2020)

Alaska: [‘I thought it was going to be much worse’: Travelers landing in Anchorage navigate Alaska’s new COVID-19 testing rules](#)

Anchorage Daily News (06/11/2020) Annie Berman

Arizona: [Ducey unveils aid package to help keep Arizona’s K–12 schools afloat during pandemic](#)

Arizona Republic (06/24/2020) Maria Polletta

Arkansas: [Coronavirus in Ark.: Governor directs ADH to double number of contact tracers](#)

KARK (06/24/2020)

California: [San Bernardino County declares racism a public health crisis](#)

San Bernardino Sun (06/23/2020) Sandra Emerson

Colorado: [New Denver program has clinician, paramedic respond to some mental health 911 calls instead of police](#)

Fox 31 (06/08/2020) Erika Gonzalez

Connecticut: [Governor announces new program for Youth Employment Program](#)


NBC Connecticut 6/30/20)

Delaware: [Delaware nursing homes, hospitals ask Carney for immunity from COVID-19 lawsuits](#) 

Delaware News Journal (06/11/2020) Meredith Newman


Florida: [Florida law bans pelvic exams without consent](#) 

CBS Miami (06/20/2020)

[Editor's note: Read the [ACOG statement](#) .]

Georgia: [Georgia lawmakers pass hate crimes, more police protections](#) 

The Associated Press (06/23/2020) Ben Nadler and Jeff Amy

[Editor's note: Read [House Bill 426](#) , which was signed into law June 26, 2020.]

Hawaii: [US supports legal challenge to Hawaii traveler quarantine](#) 

The Associated Press (06/24/2020) Jennifer Sinco Kelleher

[Editor's note: Read the [DOJ filing of the case](#) .]

Idaho: [Idaho hands-free cell phone law goes into effect July 1](#) 

Shoshone News Press (06/29/2020)

[Editor's note: Read the [statute](#) .]

Illinois: [5 new laws to know in Illinois](#) 

WTTW (07/01/2020) Amanda Vinicky

Indiana: [Indiana's new hands-free driving law goes into effect July 1](#) 

ABC 57 (06/25/2020) Malaak Khattab

[Editor's note: Read [House Bill 1070](#) .]

Iowa: [Gov. Kim Reynolds signs bill to change THC cap for Iowa's medical marijuana program](#) 

Des Moines Register (06/29/2020) Ian Richardson and Stephen Gruber-Miller

[Editor's note: Read [House File 2589](#) .]

Kansas: [The Kansas mask order begins Friday](#) 

The Wichita Eagle (07/01/2020) Jonathan Shorman and Jason Tidd

Kentucky: [Kentucky Attorney General defends 'Casey's Law' in court as necessary tool for fighting drug epidemic](#) 

North Kentucky Tribune (06/04/2020)

[Editor's note: Read more about [Casey's Law](#) .]

Louisiana: [New Orleans to crack down as Louisiana virus cases rise](#) 

The Associated Press (06/24/2020) Kevin McGill

Maine: [Vast majority of Maine businesses will be allowed to reopen July 1](#) 

Portland Press Herald (06/24/2020) Peter McGuire

Maryland: [MD county declares racism a public health crisis](#) 

Public News Service (06/19/2020) Diane Bernard

[Editor's note: Read the [declaration](#)  [\[PDF – 206KB\]](#) ]

Massachusetts: [Boston mayor declares racism a public health crisis](#) 

NPR (06/12/2020) Quincy Walters

[Editor's note: Read the [executive order](#)  [PDF – 159KB] .]

Michigan: [Appeals court says Michigan gyms must remain closed, just hours before they were to reopen](#) 

Detroit Free Press (06/24/2020) Todd Spangler



Minnesota: [Pharmaceutical industry sues to block Minnesota insulin law](#) 

Modern Healthcare (07/01/2020)

[Editor's note: Read Minnesota [House File 3100](#) , which was signed into law April 15, 2020.]

Mississippi: [Mississippi bill would give thousands a chance at parole](#) 

The Associated Press (07/01/2020) Leah Willingham

[Editor's note: Read the [Mississippi Correctional Safety and Rehabilitation Act](#) , and learn more about the [public health impacts of incarceration](#) .]

Missouri: [FCC awards Burrell Behavioral Health more than \\$700,000 in response to COVID-19](#) 

Springfield News-Leader (06/28/2020) Sara Karnes

Montana: [Montana's tribal nations preserve COVID restrictions to preserve their cultures](#) 

Kaiser Health News (06/05/2020) Kathleen McLaughlin

Nebraska: [Governor Ricketts addresses Community CARES grants](#) 

KOLN (06/25/2020)

Nevada: [Governor Sisolak announced gradual lift to eviction moratorium, announces rental assistance program](#)  [PDF – 129KB] 

NV Health Response (06/25/2020) Meghan Delaney

[Editor's note: Read [Emergency Directive 025](#)  [PDF – 3.79MB] .]


New Hampshire: [Aspiring lawyers won't be asked about mental health](#) 

The Associated Press (06/22/2020)

[Editor's note: Read [Rule 42b](#) .]

New Jersey: [NY, NJ, Conn. to require quarantine for virus hotbed visitors](#) 

Law 360 (06/24/2020) Adam Lidgett

[Editor's note: Read the New Jersey governor's [quarantine advisory](#) .]

New Mexico: [New Mexico launches new anti-DWI campaign with mask twist](#) 

The Associated Press (06/25/2020)

[Editor's note: Read CDC resources about [motor vehicle safety and impaired driving](#).]

New York: [New York, neighbors enact 14-day quarantine for some out-of-state visitors](#) 

Times Union (06/24/2020) Cayla Harris

[Editor's note: Read the [executive order](#) .]

North Carolina: [Gov. Cooper requires masks, keeps NC in Phase Two in effort to slow coronavirus spread](#) 

News & Observer (06/24/2020) Dawn Baumgartner Vaughan, Steve Wiseman, and Lynn Bonner

[Editor's note: Read the [executive order](#)  [PDF – 1.1MB] .]

North Dakota: [Governor: North Dakota close to last stage of reopening plan](#) 

The Associated Press (06/23/2020) Dave Kolpack


[Editor's note: Read the state's [recovery plan](#)  [PDF – 1.38MB] .]

Ohio: [Ohio governor opposes bill legalizing setting off fireworks by residents](#) 

WFMJ (06/24/2020) Mike Gauntner

Oklahoma: [Dozens of new Oklahoma laws to take effect July 1](#) 

The Oklahoman (06/30/2020) Carmen Forman

[Editor's note: Read the [Riley Boatwright Act](#) , signed into law on May 21, 2020, and read CDC resources about [traumatic brain injuries and school sports](#).]

Oregon: [Oregonians will be required to wear masks statewide—not just in select counties—starting Wednesday](#) 

The Oregonian (06/29/2020) Aimee Green

[Editor's note: Read the [order](#)  [PDF – 172KB] .]

Pennsylvania: [DePasquale suggests criminal justice reform measures](#) 

Ellwood City Ledger (06/09/2020) Chrissy Suttles

[Editor's note: Read the [special report](#)  [PDF – 2.30MB] .]


Rhode Island: [Visitors to Rhode Island from 20+ states will have to quarantine or be tested beginning Tuesday](#) 

What's Up Newp (06/29/2020) Ryan Belmore

[Editor's note: Read the [executive order](#)  .]


South Carolina: [South Carolina enacts lactation support act](#) 

The National Law Review (07/01/2020) Ellison F. McCoy & John Ford Connell, Jr.

[Editor's note: Read the [law](#) , and learn more about [optimal breastfeeding practices](#).]

South Dakota: [South Dakota ban on phone use while driving starts July 1](#) 

The Associated Press (06/27/2020)

[Editor's note: Read the [amendment](#) .]

Tennessee: [Grants available to help childcare agencies through pandemic](#) 

The Associated Press (07/01/2020)

Texas: [Texans urge state education board to expand sexual education standards and include LGBTQ information](#) 

The Texas Tribune (06/29/2020) Aliyya Swaby

Utah: [Utah's governor won't ease coronavirus restrictions for two weeks, and may let Salt Lake County require face masks](#) 

The Salt Lake Tribune (06/25/2020) Sean P. Means

Vermont: [Fire officials remind Vermonters fireworks are illegal to set off without permit](#) 



WCAX (07/03/2020) Kevin Gaiss


[Editor's note: Read Vermont [statutes on explosives and fireworks](#) .]




Virginia: [New Virginia laws on guns, gambling, statues, weed possession start Wednesday](#) 


WTOP (06/30/2020) Neal Augenstein


[Editor's note: Read [Senate Bill 868, the Virginia Values Act](#) , a sexual and gender identity anti-discrimination law;


[House Bill 66](#) , which caps health insurance prices on insulin; and [Senate Bill 1015](#) , which covers medical cannabis programs.]


Washington: [Washington law schools form task force, addressing racial discrimination in state's courts](#) 
KXLY (07/02/2020) Connor Sarles




West Virginia: [Passage of 2016 fireworks law ignites increase in fireworks-related injuries in West Virginia](#) 
My Buckhannon (06/25/2020)
[Editor's note: Read [House Bill 2852](#)  and the National Institutes of Health's recent study on [policy and fireworks injuries](#)  .]

Wisconsin: [As evictions spike, here's how Milwaukee organizations are doing what they can to help](#) 
Milwaukee Journal Sentinel (06/24/2020) Talis Shelbourne

Wyoming: [Federal relief funds could help boost state's broadband capacity](#) 
Wyoming Tribune Eagle (06/28/2020) Tom Coulter
[Editor's note: Learn more about [how technology can be used to improve public health](#).]



District of Columbia: [D.C. Council passes emergency police-reform bill; but delays shrinking size of MPD](#) 
DCist (06/09/2020) Martin Austermuhle



American Samoa: [PPP flexibility bill for small businesses passed in both U.S. House and Senate](#) 
Samoa News (06/05/2020)

Guam: [\\$10M aid program, other bills now law](#) 
The Guam Daily Post (06/30/2020) John O'Connor
[Editor's note: Read [Public Law 35-94](#)  [PDF – 3.58MB]  .]

Northern Mariana Islands: [WIA is awarded \\$1.5M grant to offer temporary jobs](#) 
Saipan Tribune (06/25/2020)

Puerto Rico: [Worsening drought forces state of emergency in Puerto Rico](#) 
The Associated Press (06/29/2020) Danica Coto
[Editor's note: Read more about the [public health implications of severe droughts](#).]

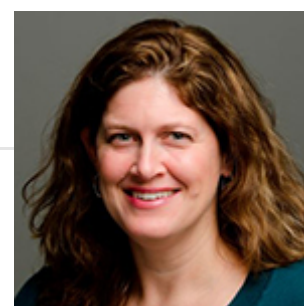
United States Virgin Islands: [Bryan announces health care reforms for territory](#) 
The Virgin Islands Daily News (06/16/2020) A.J. Rao
[Editor's note: Read the [announcement](#)  .]

Tribal: [Court rules to cancel energy lease on land sacred to tribes](#) 
The Associated Press (06/16/2020)
[Editor's note: Read the case of [Solenex LLC v. David Bernhardt, et al](#)  .]

Profile in Public Health Law: Angie McGowan, JD, MPH

Title: Project Director, Healthy People 2020 Law and Health Policy Project; Office of Disease Prevention and Health Promotion (ODPHP), Department of Health and Human Services (assigned from CDC's Program Performance and Evaluation Office [PPEO])

Education: JD, Vanderbilt University School of Law; MPH, Emory University Rollins School of Public Health (RSPH); BA, International Relations, College of William and Mary



Public Health Law News (PHLN): What sparked your interest in public health law?

McGowan: I've always been interested in health and policy issues, probably partly as a result of growing up in Atlanta—the “public health capital of the world,”—as RSPH likes to proclaim. Both of my parents worked in health, and I remember learning about issues like the dangers of smoking or the emergence of HIV at the dinner table or from friends' parents. I found it interesting, but when I headed to college, I decided to focus on international relations. During law school, I realized that in addition to international issues, I was also greatly interested in health and healthcare issues. During my second summer in law school, I worked at CDC's Office of General Counsel on a project with Professors Larry Gostin and Zita Lazzarini, collaborating with CDC subject matter experts, to analyze state laws and policies concerning privacy and immunizations—perhaps some of the earliest research specifically around laws and policies at CDC. During this time, I realized that I wanted to focus on health, and when I finished law school, I decided to take classes in public health. This started my career down a path focusing on public health law.

PHLN: Please describe your career path.


McGowan: Following public health school, I found a position as a legal services officer for the Georgia Division of Public Health (now the Department of Public Health). I worked on a wide range of public health legal issues from various offices, including epidemiology, chronic diseases, emergency medical services, and environmental issues. We also assisted with reviewing proposed legislation, which was exciting. I was really struck by the ability to navigate a range of public health issues and to work proactively with a variety of professionals to determine how law and policy could help with their work—hopefully changing their perception that they should work with the lawyers only after there was a problem.

My interest in learning more about how to bring strong data and science to public health law work led me to join CDC's Epidemic Intelligence Service (EIS). I was privileged to be the first JD, as opposed to MD or PhD, to serve in the EIS. While there, I worked with the Guide to Community Preventive Services on violence issues; that work included a systematic review focused on the transfer of juveniles to the adult court system and the impacts on recidivism rates. During this time, I learned more about applied epidemiology and analyzing data. I also participated in [Epi-Aids](#), whereby CDC provides epidemiologic assistance to health departments to investigate an urgent public health problem, and deployed to CDC's Emergency Operations Center during SARS and West Nile virus.

After EIS, I was a public health law analyst with CDC's National Center for Chronic Disease Prevention and Health Promotion, Office for Planning, Evaluation, and Legislation. I concentrated mainly on the role of evidence-based laws and policies in addressing chronic diseases. In 2007, I joined the Robert Wood Johnson Foundation (RWJF) a large health philanthropic organization in Princeton, New Jersey. There, I served as a senior program officer and worked on a range of public health issues, including tobacco use prevention and control, supporting leadership efforts, and preventing childhood obesity. Many of my most fulfilling projects concentrated on building the field of public health law. These projects included figuring out how best to support efforts in the field and funding programs to 1) encourage more research and evaluation of laws and policies impacting health, 2) provide assistance to those trying to use law and policy to improve their communities' health, and 3) address workforce and training needs, including those of academia.

In 2014, I moved to ODPHP, in the Office of the Assistant Secretary of Health, to serve as the project director for the Healthy People 2020 Law and Health Policy Project.

PHLN: What do you do in your current position?

McGowan: I direct the Healthy People 2020 Law and Health Policy Project (the Project). The [Healthy People](#)  initiative is led by HHS, and specifically, ODPHP. For 40 years, Healthy People has been providing science-based national objectives and ambitious, yet achievable, goals for improving the health of the nation. Healthy People serves as a roadmap for the nation's health promotion and disease prevention efforts.

The Project—a collaborative effort between ODPHP, CDC's Program Performance and Evaluation Office (PPEO), CDC Foundation, and RWJF—was created to advance our understanding of how law and policy affect health by examining the relationship between population health and legal and policy interventions in the context of achieving our Healthy People goals. The Project explores ways that legal and policy approaches can support Healthy People objectives and overarching

goals, including those related to health equity. Through reports and other products, including a webinar series, focused on Healthy People topic areas and objectives, the Project identifies and disseminates evidence-based legal and policy solutions to public health challenges. We also support development of the next decade of the initiative, Healthy People 2030 (HP2030), by identifying opportunities to further incorporate evidence-based legal and policy tools into the initiative.

I coordinate project activities and encourage collaboration between the project partners, help convene necessary partners and workgroups, and guide development of the evidence-based products described above. I'm also part of the day-to-day efforts of Healthy People and am able to share examples of how law and policy could help us meet our targets and advance our other efforts, including development of HP2030.

PHLN: What do you find most fulfilling about your career and role?

McGowan: I've been very fortunate to work with some really amazing people throughout my career, including during my time here with the Project. I value being able to collaborate with multidisciplinary and multisectoral partners and to concentrate on the interrelationships among good science, public health practice, and policy and law. I find it fulfilling when people begin to understand the benefits of leveraging public health laws to improve health and well-being, and I believe this is happening more frequently—law and policy are gradually being better recognized as an integral part of public health practice. Of course, this is in great part due to the efforts of the Public Health Law Program and many key partners over the past 20 years. I'm pleased to have played a part in that work.

PHLN: Since working on the Healthy People 2020 (HP2020) initiative, what do you feel have been its greatest successes?

McGowan: An important element of Healthy People is its ability to be flexible and adapt over the decades to address new health challenges and advances while still using the best data and public health science to determine targets and goals. This has been the first decade that Healthy People has had a comprehensive online presence, which has allowed the initiative, objectives, data, and many tools and resources to be much more accessible to stakeholders. HP2020 also recognizes the importance of social determinants of health in a number of ways, including in its overarching goals, specific objectives, and useful infographics and resources such as literature reviews for 19 specific key issues. Finally, I think the increased focus on law and policy in HP2020 is a success, but I admit that I'm biased!

PHLN: How does your work, and the work of HP2020, use public health law and policy?

McGowan: As discussed, this year Healthy People will be launching its fifth set of science-based objectives and targets with HP2030. From the beginning, Healthy People has always had objectives focused on law and policy, although they've mainly been included in areas such as tobacco use or environmental health. But law and policy can be valuable tools to help achieve *the targets for the HP2020 objectives*. For example, community water fluoridation or school-based immunizations require or benefit from laws and policies. Healthy People also includes [evidence-based resources](#), such as intervention evaluations or studies that have evidence of effectiveness, feasibility, reach, sustainability, and transferability. These resources might be from groups like the Community Preventive Services Task Force or US Preventive Services Task Force. Or they might be reports from the Surgeon General or National Academies of Science, Engineering, and Medicine, that recommend interventions or approaches to reach specific health targets. These resources often include legal and policy-related examples.

PHLN: Tell us more about the Healthy People Law and Health Policy Project.

McGowan: The Project explores the role for evidence-based laws and policies in helping us reach our Healthy People national targets. We've engaged and learned from some great experts and leaders, both within and external to the federal government. With them, we developed five comprehensive reports focused on Healthy People topic areas: Nutrition and Weight Status; Disability and Health; Maternal, Infant, and Child Health; Substance Abuse; and Oral Health. Each report was developed by two to four authors and a report working group, with the assistance of the respective Healthy People topic area workgroups. The reports are accompanied by executive summaries, graphics, and "bright spots" or success stories. The idea is to provide a number of learning methods for people interested in discovering more about how law and policy can potentially improve health.

We also hosted eight law and policy webinars covering a range of topics like healthy aging, suicide prevention, and health equity. The webinars also explained how to identify evidence-based resources and shared a model describing what types of laws and policies might be options when considering how to addressing a health challenge.

Finally, we were fortunate to work with the Healthy People Federal Interagency Workgroup (FIW)—the steering body for the initiative which includes representatives from more than 30 federal departments, agencies, and offices in combination with incredible engagement from the 42 topic areas, the HP2030 Secretary’s Advisory Committee, and ODPHP staff about the potential role for law and policy in this decade.

All of the resources we’ve developed are available through the Healthy People [Law and Health policy page](#) [↗](#).

PHLN: What lessons are being applied in planning for the next iteration of the initiative—Healthy People 2030?

McGowan: With the launch of HP2030, our specific HP2020 Law and Healthy Policy Project is winding down. However, HP2030 will continue to consider how law and policy can improve health and well-being, since policy is referenced in Healthy People’s foundational principles, overarching goals, and plan of action for the new decade. HP2030 was informed by discussions with external partners, including a formal HP2030 listening session at the 2018 Public Health Law Conference, and an [issue brief](#) [\[PDF – 3.10MB\]](#) [↗](#) focused on law and policy as determinants of health that a subcommittee of the HP2030 Advisory Committee developed. A public health lawyer, [Joel Teitelbaum](#) [↗](#), served on the advisory committee for the first time in Healthy People history. HP2030 was also informed by lessons from the Project. One of these lessons: Healthy People has always involved law and policy, but not as intentionally or explicitly as possible. This decade, I hope that law and policy will be better integrated into the overall initiative. The Project also made it a point to discuss both data and evidence—strengths of the Healthy People initiative—and to tie them to laws and policies whenever possible. While we did a good job of highlighting evidence-based laws and policies and positive examples of how law and policy can improve health outcomes, with HP2030 we realized it’s also important to discuss interventions that might not yet be evidence-based but are being tested in communities, and to provide examples of when law or policy can serve as a barrier to good health.

PHLN: What career advice do you have for young public health and public health law practitioners?

McGowan: I have two suggestions. First, be willing to take a chance on something new and different if you think it will be an exciting challenge and that you will learn and grow from it. I haven’t followed a traditional path for a lawyer, and at times it’s had its challenges. Being an EIS officer or working in philanthropy are opportunities I wouldn’t have envisioned, but both expanded my knowledge, experiences, and skills in new and different ways. Being able to articulate what you learned from an experience and what you do and don’t want to work on in the future is really valuable as you start to navigate your career. My second piece of advice is one you might have already heard—the world, and especially the public health world, is very small! I’ve been amazed by the number of times that colleagues from one stage in my life have come back into it later. There are some really great, passionate people working in the field of public health law who focus on a range of exciting issues. From my experience, they are also always excited to meet new people in the field!

PHLN: What do you look forward to on weekends?

McGowan: I enjoy having a chance to explore the DC area, visiting neighborhood hot spots like our walking trails and farmers market, or having a chance to try out fun new restaurants with friends (or good takeout these days, with COVID-19). I also try to exercise, attend sporting or music events, and catch up on reading, TV, and movies. Travel is a big part of my life, so I’m also always ready to take a weekend trip somewhere fun!

Court Filings and Opinions

California: A California judge held that that “a live pet animal sold in its unaltered state is not a product” subject to the “consumer expectations test” for products liability. A father in California filed a products liability claim against Petco Animal Supplies after his 10-year-old son was killed by a rare bacterial infection contracted from a rat purchased from a Petco store. The trial court did not use the “consumer expectations test” jury instruction requested by the father, because the court thought it unreasonable to expect a consumer to understand complex safety standards for pet rats. The Court of Appeals affirmed the trial court’s ruling, finding no reversible procedural error, and said the trial court properly instructed the jury to use the risk-benefit test for products liability.

[Pankey v. Petco Animal Supplies, Inc.](#) [↗](#)

Court of Appeals of California, Fourth District, Division One

Case No. D072779

June 24, 2020

Honorable Richard D. Huffman

Massachusetts: The Supreme Judicial Court of Massachusetts overturned a ruling that pandemic-related delays for criminal trials would be counted when computing pretrial detention. Because of the COVID-19 health emergency, and in consideration of public health and safety, the Supreme Judicial Court of Massachusetts issued emergency orders throughout March, April, and May that eventually pushed scheduled criminal jury trials to September 8, 2020, at the earliest. Lower courts found that the time period of the delays should be included when computing the time individuals can be held in pretrial detention; these rulings allowed defendants in three cases to be released from pretrial detention. The Supreme Court disagreed, stating that “the periods of delay resulting from continuances in [criminal] cases, pursuant to our emergency orders, should have been excluded from the computation of the time limits on pretrial detention under [state law].”

[Commonwealth v. Lougee](#)

Supreme Judicial Court of Massachusetts, Suffolk

Case Nos. SJC-12949, SJC-12950, SJC-12955

June 22, 2020

Ralph D. Gants, Chief Justice

Federal: On May 29, 2020, a court determined that a criminal defendant should be held in pretrial detention. The defendant sought reconsideration of the pretrial detention order, arguing in part that “he should be released because of a heightened risk of contagion of the COVID-19 virus in the prison population.” The defendant was ultimately released from pretrial detention on other grounds, but the court found that “COVID-19 does not . . . change the nature of the individualized analysis” that must be performed during considerations of pretrial detention under the Bail Reform Act.

[United States v. Ledezma-Hernandez](#)

United States District Court, S.D. California

Case No. 3:20-mj-2025-AHG

June 19, 2020

Allison H. Goddard, Magistrate Judge

Federal: A federal judge granted a motion to dismiss a claim that Louisiana’s emergency election provisions were unconstitutional. Plaintiffs claimed that certain aspects of Louisiana’s election law and the state’s Emergency Election Plan, created in response to the COVID-19 health emergency, placed undue burdens on their right to vote. They argued that the rules for mail-in voting were too narrow and failed to protect certain classes of people, and that the state’s witness requirement for mail-in ballots would force isolated persons to make contact with others, risking exposure to COVID-19. The judge concluded that none of the plaintiffs had standing, since none had experienced an injury-in-fact, but also described that voting both in-person and with a witness via mail could still be done safely while following social distancing guidelines, and that actual exposure to COVID-19 was unlikely and would require a “highly attenuated chain of possibilities.”

[Clark v. Edwards](#)

United States District Court, M.D. Louisiana

Civil Action 20-308-SDD-RLB

June 22, 2020

Shelley D. Dick, Chief Justice

Quiz Question: July 2020

As of this month, which three states have new distracted driving laws in effect?

The first reader to correctly answer the quiz question will be featured in a mini public health law profile in the next edition of the *News*. Email your entry to PHLawProgram@cdc.gov with “PHL Quiz” as the subject heading (entries without the heading will not be considered). Good luck!

July 2020 Quiz Winner

Question: What extra step is Tennessee taking to protect its first responders from COVID-19?

Winning Answer: Sharing COVID-19 patient data.

Winner: Rowena L. Looney, RN

Quote of the Month

“Thanks to the partnership and support of several community members and organizations, my colleagues and I became the first county in California to declare racism as a public health crisis, and I sincerely hope we are not the last. Through today’s action, we built a foundation for positive change throughout the county and encourage our 24 cities to join us.” — San Bernardino County, California, Board Chairman Curt Hagman of the county’s declaration of racism as a public health crisis.

[Editor’s note: This quote is from the above article [San Bernardino County declares racism a public health crisis](#) , The Sun (06/23/2020) Sandra Emerson]

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